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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,876	10/22/2003	Robert Leon Benedict	DN2003177	6825
27280	7590	02/23/2005	EXAMINER	
THE GOODYEAR TIRE & RUBBER COMPANY INTELLECTUAL PROPERTY DEPARTMENT 823 1144 EAST MARKET STREET AKRON, OH 44316-0001			FUREMAN, JARED	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/690,876	<b>Applicant(s)</b> BENEDICT, ROBERT LEON	
	<b>Examiner</b> Jared J. Fureman	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/22/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

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### **DETAILED ACTION**

Receipt is acknowledged of the IDS, on 10/22/2003, and the change of correspondence address, on 12/22/2004, both of which have been entered in the file.

Claims 1-18 are pending.

#### ***Specification***

1. The abstract of the disclosure is objected to because of the use of "means" throughout the abstract. All instances of "means" should be removed from the abstract. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: Claim 5, line 3: "the" (first occurrence) should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "the vehicle identification code". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 6-9, 11-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juzswik et al (US 6,612,165 B2, cited by applicant) in view of Hardman et al (US 2002/0126005 A1) and Harm et al (US 2004/0084517 A1).

Juzswik et al teaches a method for integrating tire identification data and vehicular identification data, comprising the steps: manufacturing tire tag means (tire

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based unit 18) having data retention tag memory (memory 30); writing tag means identification data into tag memory (since the memory 30 includes an identification code for identifying tire based unit 18, see column 3 lines 42-47, the step of writing tag means identification data into the tag memory is necessarily present); transferring the tire to an original equipment manufacturer (the vehicle manufacturer, for example); associating the tire (tire 14) with a specific vehicle (the tires 14 are associated with a specific vehicle 12 by being mounted on that vehicle); manufacturing the tag means to include a transponder (controller 26) and antenna (antennas 32, 34) assembly; manufacturing the antenna in an annular form (see figure 1) coupled to the transponder; the tire tag having at least a pressure sensor (22); validating the tag identification data in a vehicle electronic control unit (controller 36) against the tag identification data of tires used by the vehicle throughout the lifecycle of the vehicle (the received tag data is compared to tag data stored in memory 42 of controller 36, see column 4, lines 11-18) (see figure 1, column 3 lines 1 - column 4 line 18, column 5 lines 15-27).

Juzswik et al fails to state how the tire based unit 18 is mounted, and thus, fails to specifically teach the step of affixing the tag means to a tire. Juzswik et al also fails to teach calibrating tag functions; and including tag functions calibration data into the tag means identification data; writing a vehicle identification code identifying the specific vehicle into the tag memory.

Hardman et al teaches a method, including the steps of affixing (attaching to the interior of a tire, for example) a tire tag means (tire tag 14) to a tire (tire 10); calibrating tag functions, and including tag functions calibration data (calibration coefficients) into

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the tag means identification data (since the reader 30 may request the tag to transmit calibration coefficients, see paragraph 120, the steps of calibrating the tag and storing calibration data are necessarily present); writing a vehicle identification code identifying the specific vehicle into the tag memory (since a vehicle ID may be read from the tag, see paragraph 120, the step of writing a vehicle identification code into the tag memory is necessarily present (also see figure 1a and paragraphs 55-57)).

In view of Hardman et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Juzswik et al, the step of affixing the tag means to a tire; calibrating tag functions; and including tag functions calibration data into the tag means identification data; writing a vehicle identification code identifying the specific vehicle into the tag memory; in order to securely attach the tag to the tire, thereby helping to prevent damage of the tag from weather and vandalism, and also prevent the tag from becoming disassociated from the tire being monitored (see paragraphs 6 and 55, of Hardman et al) and provide the tire monitoring system all relevant and necessary information regarding the tire tag.

Juzswik et al as modified by Hardman et al also fails to teach the step of writing tire identification data identifying the tire into the tag memory; initializing a vehicle system; reading the tire identification data from the tag memory into a vehicle data retention memory; connecting the tire data storage means to the vehicle electronic control unit by means of a vehicle data bus.

Harm et al teaches a method including the step (see paragraph 15) of writing tire (tire 30) identification data identifying the tire into a tag memory (a memory of tire

pressure monitoring sensor 10, for example); initializing a vehicle system (the vehicle central processor unit, see paragraph 15); reading (see paragraph 15) the tire identification data from the tag memory into a vehicle data retention memory (the memory of a vehicle controller, for example); connecting the tire data storage means to the vehicle electronic control unit by means of a vehicle data bus (since the tire information may be read into the vehicle controller, a tire data storage means connected to the vehicle controller by means of a data bus is necessarily present) (also see paragraphs 3, 4 and 15).

In view of Harm et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Juzswik et al as modified by Hardman et al, the steps of writing tire identification data identifying the tire into the tag memory; initializing a vehicle system; reading the tire identification data from the tag memory into a vehicle data retention memory; connecting the tire data storage means to the vehicle electronic control unit by means of a vehicle data bus; in order to allow identification and tracking of the particular tire associated with the tire tag, for future recall or other data tracking requirements (see paragraph 15, of Harm et al).

5. Claims 2, 3, 5, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juzswik et al as modified by Hardman et al and Harm et al in view of the admitted prior art.

The teachings of Juzswik et al as modified by Hardman et al and Harm et al have been discussed above.

Re claims 2, 3, 16 and 17: Juzswik et al as modified by Hardman et al and Harm et al fails to specifically teach the steps of uploading/reading the tire identification data from the vehicle data retention memory to an archive database; wherein steps a and b are conducted by a tire tag means supplier; steps c and d are conducted by a tire supplier; and steps d, e, f and g are conducted by a vehicle manufacturer; uploading data from the vehicle data retention memory to an archive database; running a diagnostic test on the vehicle substantially at the conclusion of vehicle assembly; and reading the tire identification data from the tire data storage means into the ECU data storage means substantially contemporaneous with the running of the diagnostic test.

However, the admitted prior art teaches uploading data from a vehicle control unit upon conducting a diagnostic test of the vehicle systems (see paragraph 6, of the specification, under background of the invention); the identity of the transponder and tag being designated by the manufacturer of the transponder and tag, the tire manufacturer designating tire identification data, and the vehicle manufacturer associating the tire with a specific vehicle and reading tire identification data; uploading data from the vehicle data retention memory to an archive database; running a diagnostic test on the vehicle substantially at the conclusion of vehicle assembly; and reading the tire identification data from the tire data storage means into the ECU data storage means substantially contemporaneous with the running of the diagnostic test (see paragraph 7, of the specification, under background of the invention).

In view of the admitted prior art teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught

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by Juzswik et al as modified by Hardman et al and Harm et al, the steps of uploading/reading the tire identification data from the vehicle data retention memory to an archive database; wherein steps a and b are conducted by a tire tag means supplier; steps c and d are conducted by a tire supplier; and steps d, e, f and g are conducted by a vehicle manufacturer; uploading data from the vehicle data retention memory to an archive database; running a diagnostic test on the vehicle substantially at the conclusion of vehicle assembly; and reading the tire identification data from the tire data storage means into the ECU data storage means substantially contemporaneous with the running of the diagnostic test; in order to provide identification of each of the components during each step of the method, thereby maintaining accurate data recording.

Re claim 5: Juzswik et al as modified by Hardman et al, Harm et al and the admitted prior art fails to specifically teach rewriting a vehicle identification code from the vehicle.

However, Hardman et al also teaches erasing user data (see paragraph 105), thereby, allowing rewriting of data, including a vehicle identification code.

In view of Hardman et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Juzswik et al as modified by Hardman et al, Harm et al and the admitted prior art, rewriting a vehicle identification code from the vehicle; in order to allow the tire to be used with a different vehicle, or sold to a different owner (see paragraph 105, of Hardman et al).



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6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juzswik et al as modified by Hardman et al and Harm et al in view of Meadows (US 6,149,060).

The teachings of Juzswik et al as modified by Hardman et al and Harm et al have been discussed above.

Juzswik et al as modified by Hardman et al and Harm et al fails to specifically teach writing an OEM part number into the tag memory prior to transferring the tire to an OEM.

Meadows teaches that a tire (10) may include information identifying a part number (see column 3, lines 16-17), which would be provided prior to transferring the tire to a vehicle manufacturer.

In view of Meadows teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Juzswik et al as modified by Hardman et al and Harm et al, writing an OEM part number into the tag memory prior to transferring the tire to an OEM; in order to provide a machine readable part number, thereby making identification of the tire efficient and accurate.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ghabra et al (US 6,838,985), Itou (US 2003/0227379), Pickornik et al (US 6,246,317), and Conwell et al (US 2004/0095244) all teach tire pressure monitoring and identification systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571)

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272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jared J. Fureman*  
Jared J. Fureman  
Examiner  
Art Unit 2876

February 19, 2005